

**Minutes of Meeting  
Grafton Planning Board  
November 25, 2013**

RECEIVED  
GRAFTON, MA.  
7/2  
DEC 11 10 01 AM '13

A regular meeting of the Grafton Planning Board was held on November 25, 2013 in the Finance Committee Meeting Room at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman David Robbins, Vice-Chair Michael Scully, Clerk Edward Prisby, Robert Hassinger, Sargon Hanna and Associate Member Mathew Often. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Robbins called the meeting to order at 7:00 p.m.

**ACTION ITEM 1-A – REQUEST FOR PLANNING BOARD DETERMINATION & APPROVAL FOR A MINOR MODIFICATION TO SPECIAL PERMIT (SP 1993-10) DUNKIN' DONUTS – 72 WORCESTER STREET**

Heather Trudell of Keenan & Trudell was present for Brian Marino of Westborough Realty Trust d/b/a Dunkin' Donuts at 72 Worcester Street. Ms. Trudell informed the Board that her client was proposing to make minor changes to the approved site plan to the main building. Ms. Trudell stated that the Board had previously approved the site plan for the main building to be reconstructed as a one-story building eliminating the second floor office space. Ms. Trudell added that her client was now requesting the Board approve that main building be reconstructed as a two-story building with the continued use of the second floor office space. Ms. Trudell further noted that there are no changes to the site layout, building footprint or the parking, noting that the Zoning Enforcement Officer has confirmed that they have sufficient parking spaces to accommodate the additional floor.

Mr. Scully asked about current signage shown on the plan and was told that all signage will be submitted separately for approval by the Board.

Mr. Hassinger asked if the cupola was larger and was told that it was slightly larger to accommodate the new building height.

Mr. Hanna asked where the dumpster location will be and was told it is in the same location as in the approved site plan.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Scully, to determine that the change is a minor modification. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Scully, to grant the minor modification and to direct Staff to draft a letter of approval with the specific caveat that the approval does not include the signage depicted on the revised plan submitted. **MOTION** carried unanimously 5 to 0.

**CONSIDER DECISION – MODIFICATION OF SPECIAL PERMIT (SP 96-6) MARK TROIANO, D/B/A TROIANO TRUCKING, INC. – 109 CREEPER HILL ROAD**

Mr. Bishop recapped the request of Attorney Knapik at the last Planning Board meeting to consider modifying the language of Condition #10 in the decision, which he felt was problematic

for his client. Mr. Bishop noted that Attorney Knapik did email the Planning office summarizing his client's request with arguments for three alternatives for Town Counsel to consider regarding Condition #10 in the decision. Mr. Bishop noted that Town Counsel's opinion and recommendation was for alternative #3 which she noted as best achieving the Planning Board's directive in the decision conditions.

Mr. Prisby stated that the Board does welcome new business, but also does not want any business in non-compliance with any regulations and added that he did like the way that Town Counsel had worded the alternative.

Mr. Hanna noted if Town Counsel was comfortable with the alternative, then he was comfortable.

Mr. Bishop added that it gives the Town a mechanism to handle any problem or violation regarding this condition.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to make favorable Findings for F-1 through F-12. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to approve Conditions C-1 through C-14 as drafted, including the option #3 version for C-10 as recommended by Town Counsel. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant the Modification of Special Permit (SP 96-6) with the Findings and Conditions as drafted and amended. **MOTION** carried unanimously 5 to 0.

#### **APPROVE 2014 PLANNING BOARD YEARLY MEETING SCHEDULE**

**MOTION** by Mr. Prisby, **SECOND** by Mr. Hanna, to adopt the draft yearly meeting schedule for 2014. **MOTION** carried unanimously 5 to 0.

#### **BILLS**

The bills were circulated and signed.

#### **PUBLIC HEARINGS**

#### **MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2013-2) "GRAFTON HILL" SUBDIVISION – WESTERLY SIDE GRAFTON LLC (APPLICANT) – WESTERLY SIDE GRAFTON LLC, ROCKY ROAD REALTY TRUST, ROBERT B. MCINNIS & ABBY MCINNIS TRUST (OWNERS)**

Chairman Robbins opened the public hearing. Present for the applicant was Attorney Joseph Antonellis.

Attorney Antonellis informed the Board that his client had made significant efforts to find another access to and egress from the proposed flexible plan that was recommended by the

Planning Board during the public hearing process. Attorney Antonellis submitted a full size plan sheet to the members of the Planning Board depicting the proposed access/egress through the North Street property. Attorney Antonellis noted that the proposed roadway is 250 feet from the adjacent roadway and that his client plans to maintain the 46-lot flexible plan with a submitted waiver request for the offset of the two streets. Attorney Antonellis added that this additional roadway proposal will not require any additional abutter notification, they will need to submit an amended application, and that he is distributing this plan sheet for brief initial reactions of the Planning Board.

Mr. Hassinger expressed concerns that the applicant had not resolved the intersection issues for the previous plan submitted and that another roadway waiver would have to be balanced greatly for the Town for him to consider allowing the waiver.

Chairman Robbins noted that the new plan presented eliminates a very long dead end roadway, but is exacerbating other issues related to a second roadway.

Attorney Antonellis requested the Board continue the public hearing to their January 13, 2014 scheduled meeting.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant the applicant's written request to continue the public hearing to January 13, 2014 at 7:30 p.m.

**DISCUSSION:** Ronald Dennis of 79 North Street informed the Board that he will be the closest abutter if this need roadway is approved, affecting his side and back yard, and requested the consideration of the applicant and Planning Board to require a 6-foot natural barrier be placed bordering his property.

**MOTION** carried unanimously 5 to 0.

**SPECIAL PERMIT (SP 2013-7) GCCF NEW ENGLAND, LLC C/O CUMBERLAND FARMS, (APPLICANT) – ROJAS REALTY TRUST, (OWNER)**

Chairman Robbins opened the public hearing. Present for the hearing were Philip Lombardo representing the applicant; Engineer Stephen DeCoursey of Bohler Engineering; and Erin Pacileo of McMahon Associates.

Mr. Lombardo submitted reduced size plans to the Board regarding minor changes in the proposed canopy elevations, and the security camera floor plan. Mr. Lombardo noted that the security camera plan demonstrated the location of all cameras inside and outside the building and was a request of the Police Chief in his project comments.

Mr. Scully asked if the canopy changes are consistent with the Southborough Cumberland Farms canopy. Mr. DeCoursey stated he was unsure if they were the same.

Mr. Lombardo informed the Board that they had re-examined their sign package and decided to take the signs off the canopy and redesign the freestanding sign so as to comply with the sign by-law.

Chairman Robbins suggested it would be a good idea to have a discussion with the Zoning Enforcement Officer on the proposed sign dimensions and setbacks.

Mr. Hassinger expressed concerns for some large areas not receiving full coverage from cameras, specifically loitering areas and robbery prevention areas as suggested by the Police Chief. Mr. Lombardo stated that the security camera diagram presented is what is required by their insurance company.

Chairman Robbins suggested the security camera plan be reviewed by the Police Chief. Mr. Hanna asked if the Chief just requested the security cameras plan or stated that he wanted to review it. Mr. Lombardo remarked that he will submit the plan to the Chief for him to review.

Engineer Stephen DeCoursey ran through the revisions from the previous plan submitted stating they had eliminated the driveway on Amherst Road and the easterly driveway along Worcester Street; moved the westerly driveway along Worcester Street and fueling area by approximately 10 feet east; added a screening/buffering fence along the south & west property lines; and various landscaping changes to accommodate the driveway and plan revisions. Mr. DeCoursey also noted that they had addressed the outstanding issues received in the Graves Engineering review letter dated October 21, 2013.

Erin Pacileo, of McMahon Associates, discussed the traffic update addressing the comments and concerns discussed at the last public hearing, noting there were no significant changes in the data for trip generation.

Mr. Prisby asked if the traffic study had considered the increased traffic that may result at all hours from signage directing gas availability off the Mass Pike. Mr. Lombardo noted that signage is not allowed on the Mass Pike.

Mr. Hassinger asked for an explanation of the letter codes used in the traffic analysis and about the possibility of traffic mitigation steps by the State for Route 122. Mr. Lombardo stated that he would speak with the State concerning mitigation possibilities, but informed the Board that he has been frustrated with this type of request with the State due to their lack of interest in mitigation requests in general.

Mr. Prisby asked if any part of the traffic study included the time period from midnight to 5 a.m. Ms. Pacileo stated that she had no specific number at this time, but will look at this for the next hearing.

Mr. Hassinger also noted that correspondence from the Economic Development Commission had raised concerns of the proposed 24/7 hour operation and asked what the current hours of operation was for the three currently operating Cumberland Farms stores in Town. Mr. Lombardo stated the current hours of operation were 5 a.m. to 12:00 a.m. Mr. Hassinger suggested asking Town Counsel what the procedure is involved to limit the hours of operation for an applicant; if it is something enforceable or a voluntary agreement on the part of the applicant.

Mr. Scully also commented on the EDC's Town Department comments regarding the proposed hours of operation, noting that the EDC is generally in support of all business in Town, but does not see the benefits to the Town for the 24/7 hours of operation.

Mr. Lombardo requested the Board continue the public hearing to the December 9, 2013 Planning Board meeting.

Chairman Robbins stated the Board would open the discussion to the public before entertaining a request for continuance.

Karen Brosnihan of 1 Amherst Street asked the Board about snow removal plans, what type of fence was being proposed along Amherst Street and the west side of the property, and requested that the Board not allow the 24/7 hours of operation.

Brian Sullivan of 17 Williams Road asked if there will be a sidewalk running along Williams Road and if there is a plan for the tanker trucks to pull off of Route 122 and circulate back to the driveway on Williams Road.

Mr. Hassinger asked how many deliveries will be scheduled weekly. Kenneth McIntyre, Sales Manager for the new Cumberland Farms, stated 1-2 or 3-4 per week, depending on the volume of the location.

Mr. Scully requested a document be submitted showing the truck delivery route planned for the site.

Mr. Hassinger also asked what time deliveries are scheduled to be made at the site. Mr. McIntyre stated deliveries are auto-fed into the system and he can work with to Town to regulate deliveries. Mr. Scully asked if deliveries have been regulated past a certain time of night.

Mr. Sullivan also asked about the snow removal, snow piles, and where the melting snow runoff will be going, specifically around the gas pumps. Mr. DeCoursey stated snow storage areas are depicted on the plans submitted and that there are water quality units within the drains and drainage control with deep sump pumps provided for stormwater control. Mr. DeCoursey noted that they have provided full stormwater calculations to the Conservation Commission, but they will not be replying until the Planning Board has reviewed the project. Mr. Sullivan also expressed concerns of the picnic area being located so close to the abutters.

Jason Goldovitz of 9 Amherst Street expressed concerns regarding the 24/7 hours of operation; the traffic analysis stating that it was placed in the slowest uphill area of the roadway and urged the Board to look carefully at what the numbers represent; and questioned the engineer's statements regarding on site the truck traffic maneuvering.

Stephen Chitow of 225 Worcester Street submitted to the Board his written list of concerns and observations for the proposed Cumberland Farms. Mr. Chitow's comments pointed out many concerns relating to the site plan, engineering, traffic impacts and safety elements. Mr. Chitow added that the neighborhood in general have concerns for noise, lighting, screening, traffic, hours of operation and if it is actually appropriate for such a high volume – high impact development in this location.

Mr. Prisby thanked Mr. Chitow for his written input to the Board and added his sentiments for the 24/7 hours of operation, acknowledging the abutters' concerns. Mr. Scully concurred on the 24/7 hours of operation.

**MOTION** by Mr. Scully, **SECOND** by Mr. Hassinger, to grant the applicant's written request to continue the public hearing to December 9, 2013 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

Mr. Bishop revisited the issue of Special Permit enforcement with regard to the Zoning Enforcement Officer, stating that ultimately the only mechanism is through the court if resolution cannot be accomplished co-operatively. The Board continued a brief discussion on how to handle enforcements and Mr. Hassinger requested Mr. Bishop provide him with the court case summary he referred to.

### **STAFF REPORT**

Mr. Bishop informed the Board that there has been an increase in residential activity in the Town, noting that a public hearing is scheduled at the next meeting for a subdivision at Gristmill Road & Pleasant Street; that there has been a prescriptive declaration regarding Institute Road as a public way which will bring Mr. Afonzo back with an application.

Mr. Bishop remarked that there will be a grand unveiling of the interpretive marker installed at Mill Villages Park on December 5<sup>th</sup> at 2:00 p.m.

### **MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Hanna, **SECOND** by Mr. Scully, to approve the open session minutes of October 28, 2013. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Scully to adjourn the meeting.

Chairman Robbins did not recognize the motion.

### **REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES & CMRPC**

Mr. Hassinger stated that he had attended the CMRPC quarterly meeting currently working on legislation to amend zoning changes for Chapter 40A. Mr. Hassinger added that the Home Builders Association was not present for the meeting discussion and those attending realizing that there are lots of problems relating to the effort, and not much optimism in moving forward within the two-year period allotted to accomplish the changes. Mr. Hassinger added that the Board should be aware that this is an unrealistic effort. Mr. Hassinger also noted that there is discussion of eliminating or a chance of eliminating ANR lots.

**MOTION** by Mr. Scully, **SECOND** by Mr. Hanna, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 9:40 p.m.

## **EXHIBITS**

- **Action Item 1A: Request for Planning Board determination & approval for a Minor Modification to Special Permit (SP1993-10) – Dunkin' Donuts j- 72 Worcester Street**
  - Correspondence from Keenan and Trudell, Attorneys at Law; Dunkin' Donuts Site Development Plan, 72 Worcester Street, Grafton, Massachusetts; dated and received November 15, 2013, 2 pages.
  - Two plan sets; Dunkin' Donuts, 72 Worcester Street, Grafton, Massachusetts; 11" x 17", color; 24" x 36", black & white; prepared by Aharonian & Associates, Inc.; dated November 6, 2013; 4 sheets as follows:
    - o Original Main Building Elevations
    - o New Proposed Main Building Elevations
    - o Comparison Building Elevations
    - o Proposed Site Plan: Site & Building Sign Details
- **Action Item 1B: Consider Decision – Modification of Special Permit (SP 96-6), Mark Troiano d/b/a Troiano Trucking, Inc., 109 Creeper Hill Road**
  - Draft Planning Board Decision; dated October 25, 2013, revised November 19, 2013; 6 pages.
  - Memorandum from the Town Planner to the Planning Board, Troiano Trucking Draft Decision, dated November 20, 2013; 1 page.
  - Email Correspondence from Attorney Rob Knapik; Application for Modification of Special Permit, Applicant/Owner: Mark Troiano d/b/a Troiano Trucking, Locus: 109 Creeper Hill Road, Grafton, Massachusetts (the "Property"); dated and received October 29, 2013; 2 pages.
- **Action Item 1C: Approve 2014 Planning Board yearly schedule**
  - Draft 2014 Meeting Schedule, 2 pages.
- **Draft Item 5: Minutes of Previous Meeting**
  - Open session minutes of October 28, 2013; 6 pages.
- **Public Hearing 9A: Special Permit (SP 2013-7) GCCF new England, LLC c/o Cumberland Farms (Applicant) – Rojas Realty Trust (Owner) – 217 Worcester Street**
  - Correspondence from the Grafton Economic Development Commission, R/E Special Permit (SP 2013-7) GCCF New England, LLC do Cumberland Farms, (Applicant), Rojas Realty Trust, (Owner); dated November 21, 2013; received November 22, 2013; 1 page.
  - Correspondence from Graves Engineering; Cumberland Farms, 217 Worcester Street, Special Permit and Site Plan Review; dated and received November 22, 2013; 4 pages.

- Correspondence from Linda Sheridan; RE: Proposed Cumberland Farms and 24-hour Store and Gas Station; dated and received November 18, 2013; 1 page.
- Memorandum from Conley Associates; Memorandum from McMahon dated October 22, 2013, Cumberland Farms Redevelopment, North Grafton, Massachusetts; dated October 31, 2013; received November 4, 2013; 2 pages.
- Correspondence from McMahon Transportation Engineers & Planners; Response to Comments, Proposed Cumberland Farms, 217 Worcester Street (Route 122), North Grafton, MA; dated October 22, 2013; received October 28, 2013; 8 pages; additional attachments include:
  - Updated 2018 Build, Peak Hour Traffic Volumes; 3 pages.
  - Updated 2018 Build, Capacity / Queue Analysis; 13 pages.
  - Supplemental Amherst Street Traffic Data; 10 pages.
  - Supplement 2013 Existing Capacity / Queue Analysis; 3 pages.
- Correspondence from Bohler Engineering; Cumberland Farms, 217 Worcester Street, Special Permit and Site Plan Review, Response to comments from Graves Engineering (10/21/13 letter); dated November 15, 2013; received November 20, 2013; 5 pages.
- Plan set; Site Development Plans, Cumberland Farms, 217 Worcester Street (Route 122), Town of Grafton, Worcester County, Massachusetts; 11" x 17", black & white; prepared by Bohler Engineering, dated July 31, 2013 and revised through November 14, 2013; includes the following sheets:
  - o CFG1.0 Cover Sheet
  - o CFG1.1 General Notes
  - o CFG2.0 ALTA/ACSM Title Land Survey (by Others)
  - o CFG3.0 Site Demolition Plan
  - o CFG4.0 Site Plan
  - o CFG5.0 Site Grading and Drainage Plan
  - o CFG6.0 Site Erosion & Sedimentation Control Plan
  - o CFG7.0 Site Utility Plan
  - o CFG7.1 Proposed Sewer Plan & Profile
  - o CFG8.0 Site Landscaping Plan
  - o CFG8.1 Site Landscaping Notes & Detail Sheet
  - o CFG9.0 Site Construction Details
  - o CFG9.1 Site Construction Details
  - o CFG9.2 Site Construction Details
  - o CFG10.0 Site Lighting Plan (by Others)
  - o CFG10.1 Fixtures Specifications (by Others)
  - o CFG12.0 Proposed Canopy Elevations (by Others)
  - o CFG12.1 Proposed Canopy Details (by Others)
  - o CFG13.0 Sign Plan (by Others)
  - o CFG13.1 Sign Details (by Others)
  - o A1.1 Building Floor Plan (by Others)
  - o A3.1 Exterior Elevations (by Others)
  - o A3.2 Exterior Elevations (by Others)
  - o DS1.1 Downspout Location Plan (by Others)



o L1.1 Exterior Building Lighting Plan (by Others)

- Table 1: Peak Hour Intersection Capacity Analysis Results; no author, no date; received November 22, 2013; 1 page.
  - Plan, Security Camera Floor Plan; 8 ½" x 11", black & white; prepared by Allevato Architects, Inc.; received at the November 25, 2013 Planning Board meeting; 1 page.
  - Plan, Proposed Canopy Elevations, 8 ½" x 11", black & white; prepared by Cumberland Farms, Inc.; received at the November 25, 2013 Planning Board meeting; 1 page.
  - Correspondence from Stephen Chitow; Proposed Cumberland Farms, 217 Worcester Street, North Grafton; received at the November 25, 2013 Planning Board meeting; 5 pages.
- **Public Hearing 9B: Major Residential Special Permit (MRSP 2013-2) "Grafton Hill - Westerly Side Grafton LLC (Applicant) – Westerly Side Grafton LLC, Rocky Road Realty Trust, Robert B. McInnis & Abby McInnis Trust (Owners)**
    - Plan, "Flexible Preliminary Plan Topo/Utility Plan at Grafton Hill in Grafton, MA", 24" x 36", black & white; prepared by Connorstone Consulting Engineers and Land Surveyors; revision date October 15, 2013, received at the November 25, 2013 Planning Board meeting; 1 sheet.

  
Edward Prisby, Clerk

